

APPROVED

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "B"

TIME AND PLACE: Special Conference Committee "B" convened on October 30, 2009 at 10:10 a.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.

FIRST CONFERENCE 10:10 a.m.

PRESIDING: Robert B. Hall, Jr., D.D.S.

MEMBER PRESENT: Herbert R. Boyd, III, D.D.S.
Misty Mesimer, R.D.H

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director
Teresa Parrish, Administrative Assistant
Gail Ross, Adjudication Specialist

QUORUM: Three members of the Committee were present.

**Michael Gwaltney, D.D.S.
Case No.: 127043** Dr. Gwaltney appeared without counsel to discuss the allegations set forth in a Notice of the Board dated October 20, 2009. The Committee received statements from Dr. Gwaltney and discussed the allegations with him.

Closed Meeting: Ms. Mesimer moved that the Committee convene in a Closed Session for the discussion and consideration of medical or mental records.

Reconvene: Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements were heard, discussed or considered by the Committee. The motion was seconded and passed.

Closed Meeting: Ms. Mesimer moved that the Committee convene in a closed session. The motion was seconded and passed.

Reconvene: Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

DECISION: Ms. Ross reported that the Committee found Dr. Gwaltney had complied with all terms and conditions of the Board's Order entered October 1, 2007 and that upon receiving approval from the Health Practitioners' Monitoring Program (HPMP) to return to practice, he shall be granted a license to practice dentistry. Dr. Gwaltney shall not prescribe, administer, or dispense Schedule II, III, IV or V controlled substances.

Ms. Mesimer moved to adopt the decision of the Committee. The motion was seconded and passed.

SECOND CONFERENCE 11:55 a.m.

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PRESIDING: Robert B. Hall, Jr., D.D.S.

MEMBER PRESENT: Herbert R. Boyd, III, D.D.S.
Misty Mesimer, R.D.H

STAFF PRESENT: Alan Heaberlin, Deputy Executive Director
Teresa Parrish, Administrative Assistant
Gail Ross, Adjudication Specialist

QUORUM: Three members of the Committee were present.

**Gordon Miniclier, D.D.S.
Case No.: 126388** Dr. Miniclier appeared with counsel, Steven Rosenthal, and HPMP Case Manager Martha Spruill to discuss the allegations set forth in a Notice of the Board dated September 16, 2009. Dr. Miniclier declined to discuss allegations 1 and 2a-c due to pending criminal charges and further requested the discussion of these allegations be tabled until such time as he is approved to return to work by HPMP.

Closed Meeting: Ms. Mesimer moved that the Committee convene in a closed meeting. The motion was seconded and passed.

Reconvene: Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements were heard, discussed or considered by the Committee. The motion was seconded and passed.

DECISION: Dr. Hall reported that the Committee denied Dr. Miniclier’s request to table the discussion of allegations 1-2a-c.

Discussion Through his attorney, Dr. Miniclier declined to discuss allegations 1-2a-c of the Notice of Informal Conference. The committee received statements from Dr. Miniclier and his attorney regarding allegation #3a-b and Ms. Spruill regarding his compliance with the HPMP.

Closed Meeting: Ms. Mesimer moved that the Committee convene in a Closed Session for the discussion and consideration of medical or mental records.

Reconvene: Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements were heard, discussed or considered by the Committee. The motion was seconded and passed.

Closed Meeting: Ms. Mesimer moved that the Committee convene in a closed session. The motion was seconded and passed.

Reconvene: Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

DECISION: Ms. Ross reported that the Committee found Dr. Miniclier in violation in that he conspired with a pharmacist to fill fraudulent prescriptions, he prescribed Schedule II-IV controlled substances to Individuals A-C outside of a bona fide practitioner patient relationship, and that he is unable to
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practice dentistry safely due to impairment resulting from substance abuse.

The sanctions reported by Ms. Ross were that Dr. Miniclier shall be placed on probation, issued a reprimand and assessed a \$9,000 monetary penalty. Dr. Miniclier shall comply with all terms and conditions of the HPMP Recovery Monitoring Contract. The restriction on his license making it unlawful to prescribe, administer, or dispense Schedule II, III, IV or V controlled substances shall remain indefinitely.

Ms. Mesimer moved to adopt the decision of the Committee. The motion was seconded and passed.

THIRD CONFERENCE

2:10 p.m.

PRESIDING:

Robert B. Hall, Jr., D.D.S.

MEMBER PRESENT:

Herbert R. Boyd, III, D.D.S.
Misty Mesimer, R.D.H

STAFF PRESENT:

Alan Heaberlin, Deputy Executive Director
Teresa Parrish, Administrative Assistant
Gail Ross, Adjudication Specialist

QUORUM:

Three members of the Committee were present.

**Gordon Witcher, D.D.S.
Case No.: 125795**

Dr. Witcher appeared without counsel to discuss the allegations set forth in a Notice of the Board dated September 30, 2009. The Committee received statements from Dr. Witcher and discussed the allegations with him.

Closed Meeting:

Ms. Mesimer moved that the Committee convene in a closed session. The motion was seconded and passed.

Reconvene:

Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:
Case No. 126388**

Ms. Ross reported that the Committee determined that a violation of the Board’s statutes and regulations was not established by clear and convincing evidence and dismissed the allegations against Dr. Witcher. Ms. Mesimer moved to adopt the decision of the Committee. The motion was seconded and passed.

FOURTH CONFERENCE

2:45 p.m.

PRESIDING:

Robert B. Hall, Jr., D.D.S.

MEMBER PRESENT:

Herbert R. Boyd, III, D.D.S.
Misty Mesimer, R.D.H

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STAFF PRESENT:

Alan Heaberlin, Deputy Executive Director
Teresa Parrish, Administrative Assistant
Gail Ross, Adjudication Specialist

QUORUM:

Three members of the Committee were present.

**Brandon Marks, D.D.S.
Case No.: 122162**

Dr. Marks appeared with counsel, Gerald Canaan, II, to discuss the allegations set forth in a Notice of the Board dated August 25, 2009. The Committee received statements from Dr. Marks and his attorney and discussed the allegations with them.

Closed Meeting:

Ms. Mesimer moved that the Committee convene in a closed session. The motion was seconded and passed.

Reconvene:

Ms. Mesimer moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:
Case No. 122162**

Ms. Ross reported that the Committee found Dr. Marks failed to properly document Patient A's record to indicate the diagnosis and treatment rendered, the anesthetic administered and its quantity and duplicate work orders failed to include his address and the date the orders were written.

The sanctions reported by Ms. Ross were that Dr. Marks shall enroll in and successfully complete not less than four (4) continuing education hours in recordkeeping.

Ms. Mesimer moved to adopt the decision of the Committee. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the committee adjourned at 4:15 p.m.

Robert B. Hall, Jr., D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date